

22-8053-WM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

April 2021 Grand Jury

UNITED STATES OF AMERICA,
Plaintiff,

v.

BRIAN VOLMER (1),
JOSHUA YAFA (2),
JAMIE YAFA (3),
CHARLES STRONGO (4),
CARL MARCINIAK (5),
Defendants.

Case No. '21 CR1310 WQH

I N D I C T M E N T

Title 18, U.S.C., Sec. 371 -
Conspiracy; Title 15, U.S.C.,
Secs. 78j(b), 78ff, and
Title 17, C.F.R., Sec. 240.10b-5 -
Securities Fraud; Title 18,
U.S.C., Sec. 2 - Aiding and
Abetting; Title 18, U.S.C.,
Sec. 981(a)(1)(C), and Title 28,
U.S.C., Sec. 2461(c) - Criminal
Forfeiture

The Grand Jury charges, at all times material:

INTRODUCTORY ALLEGATIONS

Relevant Individuals and Entities

1. Defendant BRIAN VOLMER, a California resident, solicited funding and arranged stock promotion on behalf of various small, thinly-capitalized (or "microcap") companies.

2. Defendant JOSHUA YAFA, a Florida resident, worked as a stock promoter; in that role, he was directly or indirectly compensated to encourage investors to invest in various microcap companies.

1 3. Defendant JAMIE YAFA, a Florida resident, and the brother of
2 JOSHUA YAFA, also worked as a stock promoter.

3 4. Defendant CHARLES STRONGO, a California resident, participated
4 in the management and control of Nunzia Pharmaceutical Corp. and Global
5 Wholehealth Partners Corp.

6 5. Defendant CARL MARCINIAK, a California resident, worked with
7 VOLMER in soliciting funding and arranging stock promotion on behalf of
8 various small, thinly-capitalized (or "microcap") companies.

9 6. Nunzia Pharmaceutical Corp. (ticker: NUNZ) was an entity
10 incorporated in the state of Utah, with its principal place of business
11 in Long Beach, California. The company purported to develop and deliver
12 pharmaceutical and nutraceutical-based therapies for the behavioral
13 symptoms of Autistic Spectrum Disorder and related conditions and other
14 anxiety-based disorders.

15 7. Global WholeHealth Partners Corporation (ticker: GWHP) was
16 originally incorporated in the state of Nevada under the name Texas Jack
17 Oil and Gas Corp. for the purpose of oil and gas exploration. The
18 company purported to focus on health care related development and
19 products. Its products purportedly included COVID-19 diagnostic tests.

20 8. Confidential Witness 1 ("CW-1") was a resident of the Southern
21 District of California, and has worked as a stock promoter.

22 9. Undercover FBI Agent ("UC-1") was introduced to the defendants
23 as a business associate of CW-1.

24 10. A pump-and-dump scheme was a fraudulent scheme that typically
25 involved the artificial inflation of the trading volume and stock price
26 of a publicly-traded company (the "pump") so that individuals who control
27 a substantial portion of the company's stock could sell shares of that
28 stock at artificially high prices to other investors (the "dump").

1 Generally, such schemes effected the artificial inflation in trading
2 volume and share price by, among other things, issuing public corporate
3 announcements and promotional materials - often containing false,
4 misleading, or exaggerated information - regarding the company and its
5 stock and by engaging in manipulative trading of the stock to affect its
6 price and generate the appearance of demand for the shares.

7 Count 1 - Conspiracy

8 (18 U.S.C. § 371)

9 11. Paragraphs 1 through 10 of the Introductory Allegations above
10 are re-alleged as if fully set forth herein.

11 12. Beginning on a date unknown to the Grand Jury but no later
12 than September 2019, and continuing until March 2021, within the Southern
13 District of California and elsewhere, defendants BRIAN VOLMER, JOSHUA
14 Yafa, JAMIE Yafa, CHARLES STRONGO, and CARL MARCINIAK, and other
15 individuals and entities known and unknown to the Grand Jury, did
16 knowingly and intentionally conspire to commit an offense against the
17 United States, that is, securities fraud, namely, to knowingly and
18 willfully, directly and indirectly, by the use of the means and
19 instrumentalities of interstate commerce and of the mails, use and employ
20 manipulative and deceptive devices and contrivances in connection with
21 the purchase and sale of securities by (a) employing devices, schemes
22 and artifices to defraud, (b) making and causing to be made untrue
23 statements of material fact, and omitting to state material facts
24 necessary in order to make the statements made, in light of the
25 circumstances under which they were made, not misleading, and (c)
26 engaging in acts, practices, and courses of business which operated and
27 would operate as a fraud and deceit upon any persons, including members
28 of the investing public and sellers and purchasers of NUNZ's and GWHP's

1 securities, in violation of Title 15, United States Code,
2 Sections 78j(b), 78ff, and Title 17, Code of Federal Regulations,
3 Section 240.10b-5.

4 MANNER AND MEANS

5 13. It was a part of the conspiracy that the coconspirators would
6 enrich themselves by engaging in a pump and dump market manipulation
7 scheme surrounding NUNZ and GWHP stock, including exploiting the COVID-
8 19 pandemic by touting a COVID-19 testing product to artificially
9 generate interest in GWHP stock.

10 14. It was further part of the conspiracy that one or more
11 defendants would distribute proceeds from sales of NUNZ and GWHP stock
12 to other conspirators.

13 15. It was further part of the conspiracy that STRONGO would seek
14 funding for NUNZ and GWHP.

15 16. It was further part of the conspiracy that STRONGO would engage
16 VOLMER and MARCINIAK to seek out others to provide funding to NUNZ and
17 GWHP.

18 17. It was further part of the conspiracy that STRONGO would engage
19 VOLMER and MARCINIAK to identify parties to promote NUNZ and GWHP, and
20 the stock of each of these companies, in order to artificially avoid the
21 deflation of, maintain the price of, and inflate the share price of such
22 stock.

23 18. It was further part of the conspiracy that VOLMER and MARCINIAK
24 would engage others, including JOSHUA Yafa and JAMIE Yafa and the
25 entities they controlled, to promote NUNZ and GWHP, and the stock of
26 each of these companies, in order to artificially avoid the deflation
27 of, maintain the price of, and inflate the share price of such stocks.

1 19. It was further part of the conspiracy that, in exchange for
2 compensation, JOSHUA YAFA and JAMIE YAFA and the entities they controlled
3 would promote, and find others to promote, through false, misleading,
4 and exaggerated statements and omissions, NUNZ and GWHP and the stock
5 of each of these companies, in order to artificially avoid the deflation
6 of, maintain the price of, and inflate the share price of such stock.

7 20. It was further part of the conspiracy that the conspirators
8 would accept funding from CHS-1 in exchange for one or more notes that
9 were convertible into NUNZ and GWHP stock.

10 21. It was further part of the conspiracy that STRONGO would
11 arrange for the transfer of significant blocks of NUNZ and GWHP stock
12 into financial accounts held in the names of VOLMER, JOSHUA YAFA, JAMIE
13 YAFA, and MARCINIAK, and their nominees.

14 22. It was further part of the conspiracy that JOSHUA YAFA would
15 engage call room operators to contact potential investors and convince
16 them, through false, misleading, or exaggerated information, to purchase
17 NUNZ and GWHP stock.

18 23. It was further part of the conspiracy that JOSHUA YAFA and
19 JAMIE YAFA would promote NUNZ and GWHP and their stock through the use
20 of email newsletters, which included false, misleading, and exaggerated
21 statements and omissions, in order to artificially avoid the deflation
22 of, maintain the price of, and inflate the share price of, NUNZ and GWHP
23 stock.

24 24. It was further part of the conspiracy to gather and share
25 information regarding who owned NUNZ and GWHP free trading stock, in
26 order to conduct the manipulation scheme in a more profitable manner and
27 determine where promotional efforts might be more and less effective.

1 25. It was further part of the conspiracy to engage in manipulative
2 trading in NUNZ and GWHP stock in order to artificially avoid the
3 deflation of, maintain the price of, and inflate the share price of,
4 NUNZ and GWHP stock.

5 26. It was further part of the conspiracy that STRONGO would create
6 corporate public announcements -- some of which contained false,
7 misleading, and exaggerated statements and omissions -- to be released
8 by NUNZ and GWHP, and attempt to release such announcements in
9 conjunction with efforts to promote NUNZ and GWHP and their stock, in
10 order to artificially avoid the deflation of, maintain the price of, and
11 inflate the share price of, NUNZ and GWHP stock.

12 27. It was further part of the conspiracy that one or more
13 conspirators would directly or indirectly sell NUNZ and GWHP stock into
14 the open market to unsuspecting purchasers after the share prices of
15 these stocks were artificially impacted by the scheme.

16 28. It was further part of the conspiracy that defendants would
17 communicate by phone, email, and encrypted communications about the
18 status and progress of the conspiracy.

19 29. It was further part of the conspiracy that defendants would
20 establish and use nominees, both domestic and offshore, and act through
21 nominees for the purpose of concealing their identities and actions for
22 various purposes, including for the purpose of avoiding regulatory
23 scrutiny and misleading regulators or other law enforcement personnel
24 who investigated securities-related activities related to GWHP, NUNZ and
25 the stock of these companies.

OVERT ACTS

30. In furtherance of the conspiracy and to effect and accomplish the objects thereof, the following overt acts, among others, were committed within the Southern District of California and elsewhere:

a. On or about the following dates, STRONGO caused GHWP to publish the following press releases using the facilities of interstate and foreign commerce:

Date	Subject
June 25, 2020	Global WholeHealth Partners Submits COVID-19 Diagnostic Test EUA Application rt-qPCR Test: PEUA200084
July 1, 2020	Global WholeHealth Partners Submits Made in the USA COVID-19 Diagnostic Test EUA Application
August 31, 2020	Global WholeHealth Partners Corp. Today Announced Goldman Small Cap Research has Published an Initial Analyst Report Covering GWHP's Outlook
January 20, 2021	Global WholeHealth Partners Corp (GWHP-OTC) to Announce that the Antibody Test Kits Offered by Global Can Detect the Mutated COVID-19 Strain

b. On or about the following dates, JAMIE Yafa caused the email address at info@otctipreporter.com to send email blasts to subscribers, using the facilities of interstate and foreign commerce, to tout GWHP and its stock to investors: August 28-31, 2020;

1 September 11-15, 17, 20-22, 24, 2020; November 3-5, 11, 12, 15-18, 20,
2 2020; and January 12-14, 28, 2020.

3 c. On or about the following dates, JAMIE YAFA caused the
4 email address at info@marketcaliber.com to send email blasts to
5 subscribers, using the facilities of interstate and foreign commerce,
6 to tout GWHP and its stock to investors: August 29, 30, 2020;
7 September 11-14, 15, 20-22, 2020, and November 3-5, 11, 12, 15-17, 2020.

8 d. On or about October 15, 2019, and pursuant to
9 instructions from Volmer, UC-1 transferred \$10,000 to a bank account in
10 the name of LionsGate Funding Management LLC, pursuant to a promissory
11 note. LionsGate Funding Management LLC was a nominee used by STRONGO.

12 e. On or about December 9, 2019, VOLMER met in person with
13 CHS-1 and UC-1 in the Southern District of California to discuss manners
14 in which NUNZ and GWHP could be promoted.

15 f. On or about June 28, 2020, JOSHUA YAFA spoke on a call
16 with CHS-1 and UC-1, who were in the Southern District of California
17 during the call, about the status of and future plans for promotional
18 efforts surrounding GWHP and its stock.

19 g. On or about March 4, 2021, several conspirators held a
20 meeting in the Southern District of California with CHS-1 and UC-1 to
21 discuss, among other things, the status and history of their efforts to
22 promote GWHP, prospective efforts to promote other stocks, and manners
23 in which to establish offshore nominee accounts. VOLMER, CHS-1, and UC-
24 1 attended the meeting in person. JAMIE YAFA and MARCINIAK called into
25 the meeting by telephone.

26 All in violation of Title 18, United States Code, Section 371.

27 //

28 //

Count 2 - Securities Fraud

(Title 15, U.S.C., Secs. 78j(b), 78ff, and
Title 17, C.F.R., Sec. 240.10b-5, and Title 18, U.S.C., Sec. 2)

31. The allegations set forth in paragraphs 1 through 10 are re-
alleged as if fully set forth herein.

32. Beginning on a date unknown to the Grand Jury but no later
than September 2019, and continuing until in or about March 2021, within
the Southern District of California and elsewhere, defendants BRIAN
VOLMER, JOSHUA YAFA, JAMIE YAFA, CHARLES STRONGO, and CARL MARCINIAK did
knowingly and willfully, directly and indirectly, by the use of the
means and instrumentalities of interstate commerce and of the mails, use
and employ manipulative and deceptive devices and contrivances in
connection with the purchase and sale of securities issued by Global
WholeHealth Corp., in violation of Title 17, Code of Federal Regulations,
Section 240.10b-5, by (a) employing devices, schemes and artifices to
defraud, (b) making and causing to be made untrue statements of material
fact, and omitting to state material facts necessary in order to make
the statements made, in light of the circumstances under which they were
made, not misleading, and (c) engaging in acts, practices, and courses
of business which operated and would operate as a fraud and deceit upon
any persons, including members of the investing public and sellers and
purchasers of Global WholeHealth Corp.'s securities.

//

//

//

//

//

//

1 33. Paragraphs 13 through 29 of Count 1 are realleged and
2 incorporated by reference as more fully describing the manipulative and
3 deceptive devices and contrivances used in connection with the purchase
4 and sale of securities.

5 All in violation of Title 15, United States Code, Sections 78j(b), 78ff,
6 and Title 17, Code of Federal Regulations, Section 240.10b-5, and
7 Title 18, United States Code, Section 2.

8 FORFEITURE ALLEGATIONS

9 34. The allegations contained in paragraphs 1 through 10 and
10 Counts 1 and 2 of this Indictment are re-alleged and incorporated by
11 reference for the purpose of alleging forfeiture to the United States
12 pursuant to Title 18, United States Code, Section 981(a)(1)(C), and
13 Title 28, United States Code, Section 2461(c).

14 35. Upon conviction of one or more of the offenses set forth in
15 Counts 1 and 2, defendants BRIAN VOLMER, JOSHUA Yafa, JAMIE Yafa, CHARLES
16 STRONGO, and CARL MARCINIAK shall forfeit to the United States any
17 property, real and personal, constituting or derived from proceeds
18 traceable to such offenses. The property to be forfeited shall include
19 but is not limited to, a money judgment in favor of the United States
20 in an amount equal to the total amount of proceeds obtained directly or
21 indirectly as a result of the offenses.

22 36. Pursuant to Title 28, United States Code, Section 2461(c)
23 which incorporates the provisions of Title 21, United States Code,
24 Section 853(p), the defendants shall forfeit substitute property, up to
25 the value of the amounts described above, if, as a result of any act or
26 omission of the defendants, the property described above, or any portion
27 thereof, cannot be located upon the exercise of due diligence; has been
28

1 transferred, sold to, or deposited with a third party; has been placed
2 beyond the jurisdiction of this court; has been substantially diminished
3 in value; or has been commingled with other property which cannot be
4 divided without difficulty.

5 All pursuant to Title 18, United States Code, Section 981(a)(1)(C), and
6 Title 28, United States Code, Section 2461(c).

7 DATED: April 29, 2021.

8 A TRUE BILL:

9

10

foreperson

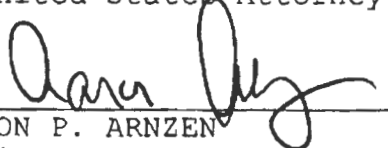
11

RANDY S. GROSSMAN
Acting United States Attorney

12

13 By:

14


AARON P. ARNZEN
Assistant U.S. Attorney

15

16

17

18

19

20

21

22

23

24

25

26

27

28